

Re. : Amendment and Response to Office Action Mailed November 11, 2004

Appl. No. : 10/648,174

Filed : August 26, 2003

II. REMARKS

Claims 1-16 and 24-47 are currently pending in the application. The Office Action allowed Claims 24 and 30-37; rejected Claims 1, 3-10, 13-16, 25-29 and 38-41; and objected to Claims 2, 11 and 12. By the foregoing amendments, Applicant amended Claims 1-3, 11-12, 14, 24-25 and 38; and added new Claims 48-49 to further clarify, define and/or broaden the claimed invention, and expedite receiving a notice of allowance. Pursuant to 37 C.F.R. § 1.121(f), no new matter is introduced by these amendments. Applicant believe that Claims 1-16 and 24-49 are now in condition for allowance.

Please note that Applicant's remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner. Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and that reference.

A. Allowed Claims

The Office Action stated that Claims 24 and 30-37 are allowed. Applicant wishes to thank the Examiner for the careful review and allowance of those claims.

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B. Dependent Claims Rewritten in Independent Format

The Office Action objected to Claims 2, 11 and 12, but did not indicate the reason for the objection. In reviewing the Office Action and pending claims, it appears that objected to Claims 2, 11 and 12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant rewrote Claims 2, 11 and 12 in independent form including all of the limitations of the base claim and any intervening claims. Consequently Applicant believes that Claims 2, 11 and 12 are allowable.

C. Claim Informalities

The Office Action objected to Claim 14, line 14 because of the following informality: “brackets” should be –bracket–. The Office Action also objected to Claim 24, line 5 because the phrase “a base the support structure” makes no sense.

Applicant respectfully thanks the Examiner for his careful review of the application. As set forth above, Applicant amended Claim 14, line 14 from “brackets” to –bracket–. Additionally, Applicant amended Claim 24, line 5 to state “a base being sized and configured to support the support structure.” Accordingly, Applicant requests that these claim objections be withdrawn.

D. Rejection Under 35 U.S.C. §102(a)

The Office Action rejected Claims 1, 3-10, 13-16, 25-29 and 38-41 under 35 U.S.C. § 102(a) as being anticipated by *Davis, et al* (United States Patent No. 6,427,963). Applicant

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respectfully traverse this rejection because, *inter alia*, the *Davis* patent does not disclose each and every element of Claims 1, 3-10, 13-16, 25-29 and 38-41.

Briefly, the *Davis* patent is directed towards a rollable sports base in which one wheel assembly is retractable. Abstract. The *Davis* patent discloses that a pivoting connector is coupled to the base member and a wheel bracket is coupled to the pivoting connector. Abstract. The *Davis* patent states the wheel bracket is adapted to receive an axle and at least one wheel, and a handle extends outwardly from the wheel bracket. Abstract. The *Davis* patent explains that handle is used to pivotally rotate the wheel assembly about a transverse axis such that when the handle is rotated away from the base member, the wheel contacts the support surface and the bottom surface of the base member is separated or elevated from the support surface. Abstract.

In greater detail, the *Davis* patent states “the first wheel assembly is displaceable or retractable and comprises a pivoting connector coupled to the base member and a wheel bracket coupled to the pivoting connector.” Col. 2, lines 19-22. The *Davis* patent also states the “wheel bracket is adapted to receive an axle and at least one wheel, and is further provided with a handle extending outwardly from the wheel bracket.” Col. 2, lines 22-24. The *Davis* patent further states that “[t]he handle is used to pivotally rotate the second wheel assembly about a transverse axis such that when the handle is rotated away from the base member, the wheel contacts the support surface and the bottom surface of the base member is separated or elevated from the support surface.” Col. 2, lines 24-29.

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1. Claims 1, 3-10 and 13

In order to further clarify, define and/or broaden the claimed invention, and/or expedite receiving a notice of allowance, Applicant amended Claim 1. For example, Applicant amended Claim 1 to provide “a link pivotally connecting the arm to the bracket to provide a first connection between the arm and the bracket” and “a wheel assembly connected to the bracket and the arm, the wheel assembly providing a second connection between the arm and the bracket that is distinct from the first connection between the arm and the bracket.” Thus, Claim 1 now positively recites the link pivotally connects the arm to the bracket to provide a first connection between the arm and the bracket. In addition, Claim 1 now positively recites the wheel assembly is connected to the bracket and the arm, and the wheel assembly provides a second connection between the arm and the bracket that is distinct from the first connection between the arm and the bracket.

The *Davis* patent, however, does not disclose a link that pivotally connects an arm to a bracket to provide a first connection between the arm and the bracket. The *Davis* patent also does not disclose a wheel assembly that provides a second connection between the arm and the bracket that is distinct from the first connection between the arm and the bracket.

Because the *Davis* patent does not disclose each and every element of Claim 1, Applicant respectfully requests that this Section 102(a) rejection be withdrawn. Applicant also requests that the rejection of Claims 3-10 and 13 be withdrawn at least because these claims are dependent upon amended Claim 1. Consequently, Applicant requests that this rejection of Claims 1, 3-10 and 13 be withdrawn.

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2. **Claims 14-16**

In order to further clarify, define and/or broaden the claimed invention, and/or expedite receiving a notice of allowance, Applicant amended Claim 14. For example, Applicant amended Claim 1 to provide “a pair of links connecting the arms to the bracket to provide a first connection between the pair of arms and the bracket” and “wherein the wheel assembly is connected to the pair of arms and the bracket to provide a second connection between the pair of arms and the bracket that is distinct from the first connection between the pair of arms and the bracket.” Thus, Claim 1 now positively recites that **the pair of links connect the arms to the bracket to provide a first connection between the pair of arms and the bracket**. In addition, Claim 1 now positively recites **the wheel assembly is connected to the pair of arms and the bracket to provide a second connection between the pair of arms and the bracket that is distinct from the first connection between the pair of arms and the bracket**.

The *Davis* patent, however, does **not** disclose **a pair of links that connect arms to a bracket to provide a first connection between the pair of arms and the bracket**. The *Davis* patent also does **not** disclose **a wheel assembly that is connected to the pair of arms and the bracket to provide a second connection between the pair of arms and the bracket that is distinct from the first connection between the pair of arms and the bracket**.

Applicant respectfully requests that this Section 102(a) rejection be withdrawn because the *Davis* patent does not disclose each and every element of Claim 14. Applicant also requests that the rejection of Claims 15 and 16 be withdrawn at least because these claims are dependent upon amended Claim 14. Accordingly, Applicant believes that Claims 14-16 are now allowable in view of the cited references.

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3. Claims 25-29

In order to further clarify, define and/or broaden the claimed invention, and/or expedite receiving a notice of allowance, Applicant amended Claim 25. For example, Applicant amended Claim 25 to provide “a wheel assembly including an axle that is disposed through an opening in the arm and an elongated slot in the bracket.” Thus, Claim 1 now positively recites the wheel assembly includes an axle that is disposed through an opening in the arm and an elongated slot in the bracket.

The *Davis* patent, however, does not disclose a wheel assembly that includes an axle which is disposed through an opening in an arm and an elongated slot in a bracket. Because the *Davis* patent does not disclose each and every element of Claim 25, Applicant respectfully requests that this Section 102(a) rejection be withdrawn. Applicant also requests that the rejection of Claims 26-29 be withdrawn at least because these claims are dependent upon amended Claim 25. Consequently, Applicant requests that this rejection of Claims 25-29 be withdrawn.

4. Claims 38-47

In order to further clarify, define and/or broaden the claimed invention, and/or expedite receiving a notice of allowance, Applicant amended Claim 38. For example, Applicant amended Claim 38 to provide “at least one link connecting the brace and the bracket to provide a first connection between the brace and the bracket” and “the wheel assembly being connected to the brace and the bracket to provide a second connection between the brace and the bracket that is distinct from the first connection between the brace and the bracket.” Thus, Claim 38 now

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positively recites at least one link connecting the brace and the bracket to provide a first connection between the brace and the bracket. In addition, Claim 38 now positively recites the wheel assembly is connected to the brace and the bracket to provide a second connection between the brace and the bracket that is distinct from the first connection between the brace and the bracket.

The *Davis* patent, however, does not disclose a link connecting a brace and a bracket to provide a first connection between the brace and the bracket. The *Davis* patent also does not disclose a wheel assembly that is connected to the brace and the bracket to provide a second connection between the brace and the bracket that is distinct from the first connection between the brace and the bracket.

Applicant respectfully requests that this Section 102(a) rejection be withdrawn because the *Davis* patent does not disclose each and every element of Claim 38. Applicant also requests that the rejection of Claims 39-47 be withdrawn at least because these claims are dependent upon amended Claim 38. Accordingly, Applicant believes that Claims 38-47 are now allowable in view of the cited references.

III. CONCLUSION

In view of the foregoing, Applicant submits that Claims 1-16 to 24-49 are allowable over the cited references and are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be promptly issued.

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If any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.

Respectfully submitted,

Dated: May 31, 2005

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